

10-29-04

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Docket No. 55647-C (45107)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: C. Meese, et al.

Serial No.: 10/766,283 <sup>b6</sup> Group: 1624

Filed: January 27, 2004 Examiner: Z. Tucker

FOR: NOVEL DERIVATIVES OF 3,3-DIPHENYLPROPYLAMINES

Mail Stop: Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**CERTIFICATION UNDER 37 C.F.R. 1.10\***

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Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

Applicants submit herewith the following response to the Office Communication dated September 28, 2004.

In response to the Restriction Requirement set forth in the Office Communication, Applicants elect without traverse Group I, as defined in the Office Communication to include the

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subject matter of claims 28, 29, 31, 32, 36, 37, 39, 41-43 and 46-49 (all in part), drawn to compounds of formulae (I), (VII) and (VII'), wherein both of or one of R and R' is alkyl, cycolalkyl or benzyl, the other one of R and R' being hydrogen when both are not as defined as in this Group, classified in class/subclass 564/316 (aromatic amines with an ether function), a process for making the compounds, pharmaceutical compositions comprising the compounds and methods of treatment with the compounds.

The election of Group I is being made solely to comply with the Restriction Requirement set forth in the Office Communication. The right to file one or more divisional applications on non-elected subject matter is reserved.

Early consideration and allowance of the application are earnestly solicited.

Respectfully submitted,

*Christine C. O'Day*

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Date: October 27, 2004